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58. (New) A recombinant cell-specific binding moiety polypeptide produced by the method of claim 51.

REMARKS

Status of the Application

Claims 1-58 are pending with entry of this amendment, with claims 1-50 previously in the application and entry of new claims 51-58 respectfully requested.

The Amendments

The requested amendments to the specification and claims do not add new matter to the application as originally filed. All but the first two and the last of the amendments to the specification insert the US Application No. in place of a blank, and deletes the now-redundant identifying information provided in the originally filed application by the attorney docket number. The first amendment to the specification, at page 6, deletes inadvertently repeated words. The second requested amendment to the specification replaces a word processor cross-reference error with the correct reference to the relevant figure. The last requested amendment to the specification inserts the copyright notice as specified in 37 CFR § 1.71(e).

The amendments to the claims also do not add new matter to the application as originally filed. The amendment to claim 18 finds support at, for example, page 39 lines 9-11. The amendment to claim 24 finds support at, for example, page 34 line 30 to page 35 line 5.

New claims 51, 54 and 56 find support in the specification at, for example, page 38 line 25 to page 39 line 3, and in originally filed claim 18. New claim 52 finds support at, for example, page 23, lines 22-29. New claim 53 finds support at, for example, page 39, lines 15-11. New claim 55 finds support at, for example, page 40, lines 3-5. New claim 57 finds support in the specification at, for example, page 35 line 28 to page 36 line 1. New claim 58 finds support at, for example, originally filed claim 14.



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The Restriction Requirement

In response to the restriction requirement, Applicants hereby elect **Group I, claims 1-23**. Newly added claims 51-58 are also encompassed by Group I.

The election is made with traverse. According to the restriction requirement, the claims of Group I involve as scientific considerations creating a library of recombinant polynucleotides containing a nucleic acid binding domain and a cell-specific ligand, and identifying a recombinant polynucleotide that encodes a binding molecule that binds to a nucleic acid and to a cell-specific receptor. The scientific considerations involved in the claims of Group II are said to be construction of a library of replicable genetic packages that display a fusion protein and contacting the library of vectors with a population of APCs to determine the percentages of cells that contain the vector.

Applicants respectfully point out that the use of replicable genetic packages is not a distinguishing feature between Groups I and II. For example, claim 22 recites expressing a fusion protein on the surface of a replicable genetic package, even though this claim is in Group I. Moreover, claims 24-30 and 33-35, which are in Group II, does not recite anything about a replicable genetic package. Therefore, the restriction requirement does not satisfy the required showing that the claims of the two groups are actually independent and distinct, and that a serious burden would be involved in searching all of the claims in one application.

CONCLUSION

In view of the foregoing, Applicants believe that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.



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If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned attorney at (415) 576-0200.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Timothy L. Smith".

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